



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

MEETING MINUTES:	<b>BOARD OF PROFESSIONAL LAND SURVEYORS</b>
DATE AND TIME:	<b>Thursday, August 18, 2011 at 8:30 a.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
APPROVED:	September 15, 2011

**MEMBERS PRESENT**

Michael Szymanski, Professional Member, Chair  
James Bielicki, Jr., Professional Member, Vice Chair  
Mary Chvostal, Public Member, Secretary  
Thomas Plummer, Professional Member  
Laurence McBride, Professional Member  
Mark Rosenthal, Public Member

**DIVISION STAFF**

Frederick Schranck, Deputy Attorney General  
Sandra Wagner, Administrative Specialist III

**MEMBERS ABSENT**

Elizabeth Rowe, Public Member

**PUBLIC**

Julian Marvel  
Kenneth Reynolds, DAS  
Alan Kent, DAS

**CALL TO ORDER**

Mr. Szymanski called the meeting to order at 8:32 a.m.

**Review and Approval of Minutes**

Ms. Chvostal made a motion, seconded by Mr. McBride to approve the June 2011 minutes. The motion was unanimously approved. Mr. McBride made a motion, seconded by Ms. Chvostal, to approve the amended January 2011 minutes. The motion was unanimously approved.

### **Unfinished Business**

#### Update from Mr. Schranck about Proposed Legislation

Mr. Schranck explained what needed to happen in order to get new Legislation passed for the Board of Professional Land Surveyors. One of the proposed legislations would require a survey be completed within 90 days prior to a property transfer. Another one would require having all property corners set on new construction prior to a regulatory agency issuing a Certificate of Occupancy. Mr. Schranck stated that he will have a draft of the proposed legislation for review at the September Meeting.

### **NEW BUSINESS**

#### Discussion of PDHs with Mr. Woodrow Marvel

Mr. Marvel submitted a letter to the Board about his renewal and the required 24 PDHs. The Board invited Mr. Marvel to approach the Board to explain his circumstances and what prompted him to write to the Board. Mr. Marvel started out telling the Board that he has never missed the DAS conference since they have been offering it. Mr. Marvel was instrumental in getting the Conference held by DAS up and running. When renewing his license, Mr. Marvel attested to completing the 24 PDHs. However, upon filing his paperwork he realized that he didn't attend the 2010 DAS conference due to his wife being ill. He asked the Board for an extension to complete 4 PDHs that he needs to meet the requirement. He said this was an oversight on his part but with his circumstances, he would like an opportunity to make up the missing PDHs. He wanted to bring this to the Board's attention and that he wasn't trying to hide anything from the Board. The Board then discussed the granting of an extension to Mr. Marvel. Mr. Schranck read the Rules and Regulations and a question was asked if the Board could grant an extension or did they have to hold a disciplinary hearing. Mr. Schranck explained that the Board could go either way. Mr. Szymanski added that the Board should take into consideration the extended illness of Mr. Marvel's family member. Mr. Szymanski stated that he would like Mr. Marvel to submit to the Board verification of the 20 PDHs he claims were completed. Ms. Chvostal stated that Mr. Marvel should look at his PDHs before renewing so he can make sure he meets the requirement. Mr. McBride said personally he always has more than the required amount of PDHs and he usually just renews his license. Discussion of the extension request took place. Mr. McBride made a motion, seconded by Mr. Rosenthal, to grant Mr. Marvel the extension. Mr. Marvel will have to provide the Board verification of his 20 PDHs that he currently has completed. He will have to complete 28 PDHs for the next renewal period, of which 4 of the PDHs will need to be completed prior to December 31, 2011. The 4 PDHs that he is making up will be over and above the 24 PDHs for the next renewal period. The motion carried with Ms. Chvostal opposing.

#### Courses for Continuing Education Approval

Mr. Plummer reviewed the application from Thomas Orsich for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve NCEES – Engineering and Surveying Ethics: The Basics for **1.5 PDHs in ethics**. The motion was unanimously approved.

Mr. Plummer reviewed the application from Thomas Orsich for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve NCEES – Surveying Exam Development for 56 PDHs. As for the request for .5 PDH in Ethics the Board will

need to see documentation of the .5 PDH before they can approve. The motion was unanimously approved.

Mr. Plummer reviewed the application from Thomas Orisich for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve NCEES – What's My Ethical IQ for 3.0 PDHs. The motion carried with Mr. Szymanski abstaining.

Mr. Plummer reviewed the application from Maryland Society of Surveyors for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Maryland Society of Surveyors – 2011 Fall Conference for 28 PDHs with **4 PDHs in ethics** of the 48 PDHs they requested. The Board denied Exam Prep – Track 1 and 2 for a total of 16 PDHs. The motion was unanimously approved.

Mr. Plummer reviewed the application from Michael Szymanski for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve NCEES – What's My Ethical IQ for 3.0 PDHs. The motion carried with Mr. Szymanski abstaining.

Mr. Plummer reviewed the application from Michael Szymanski for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve NCEES – Surveyors and Flood Plain Mapping for 2.0 PDHs. The motion carried with Mr. Szymanski abstaining.

Mr. Plummer reviewed the application from Michael Szymanski for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve 2011 Minimum Standard Detail Requirements for ALTA/ACSM surveys for 1.5 PDHs. The motion carried with Mr. Szymanski abstaining.

Mr. Plummer reviewed the application from Michael Szymanski for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Surveyors Forum for 1 PDH. The motion carried with Mr. Szymanski abstaining.

Mr. Plummer reviewed the application from National Business Institute for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve Practice Guide to Zoning and Land Use Law Seminar for 6.0 PDHs. The motion was unanimously approved.

Mr. Plummer reviewed the application from Delaware Association of Surveyor's Inc. for PDHs and recommended approval. Mr. Plummer made a motion, seconded by Mr. McBride, to approve 2011 Conference and Expo for 29 PDHs and **3 PDHs in ethics** of the 48 PDHs they were requesting. The Board denied Exam Review for 8 PDHs and Survey Math for 8 PDHs. The motion carried with Mr. Szymanski abstaining.

#### Discussion of Expired Licenses – Reinstatement/reapply

The Board Office had an inquiry as to Reinstatement of a lapsed license. The Board was in agreement that a person qualifying by Reciprocity would have to take the Jurisprudence and Drainage exam and fill out a new application as if they were applying for the first time. The Board discussed requirements for reinstatement of a license for one applying without reciprocity. Mr. Schranck stated that the current Statutes and Regulations would need to be

followed. Reinstatement would require first applying as a survey intern. Mr. Szymanski asked Ms. Wagner to put the discussion of a regulation for reinstatement of licensure on the Board's agenda for the September meeting.

#### Discussion of Regulations Verification

There was a discussion regarding a request to verify the timing of monument placement for Major or Minor Subdivisions. The members agreed that set monuments are required prior to relocation and that "Monuments to be Set" will not suffice. The Board will prepare a Policy Statement and issue the statement to all Delaware Licensees.

#### Review of Applications for Examination

There were no applications for Examination for review.

#### Review of Application for Reciprocity

There were no applications for Reciprocity for review.

#### Ratification of Issuance of Land Surveying Certificates of Authorization

Mr. Bielicki made a motion, seconded by Mr. McBride, to ratify the application of certificate of authorization for Artesian Water Company, Inc. and Vargo Land Surveying, Inc. The motion was unanimously approved.

#### Complaint Assignments

There were no new complaint assignments.

#### Complaint Status

No changes to the complaint status at this time.

#### Hearings/Consent Agreements/Board Orders

Mr. Schranck will have the Board Orders for Mr. Donald Miller and Mr. Bruce McKenna ready for the September Board meeting.

#### Closed Complaints

None

#### Wall Certificates

Mr. Szymanski and Ms. Chvostal signed the wall certificate for Mr. Paul Hayden.

#### Audit Compliance Update

There were no updates on the Audit Compliance.

#### **OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)**

Mr. Szymanski started a discussion of the 2011 DAS Conference and Expo, particularly the course called Survey Math and its description with the Board. When Mr. Plummer was going through the PDH applications with the Board they discussed this course. Members of the Board felt that this course was more geared towards associate surveyors and that it was more like a refresher course for licensed Land Surveyors and refresher courses shouldn't be approved for continuing education. Mr. Szymanski brought to the Board's attention that the Regulations state that "Mathematics and Computer applications of Land Surveying" is an acceptable

topic. Mr. Alan Kent from DAS was in the public and asked to approach the Board. He asked the Board that if DAS changed the title of the course to "Mathematics of Land Surveying" and changed the first line in the description to be "The Presentation will be on the mathematics of Land Surveyors" would the Board be willing to give credit for this course. Mr. Plummer made a motion, seconded by Mr. McBride, to grant approval of the 8 hour course with the amended changes. The motion carried with Mr. Szymanski abstaining. This changes the courses approved for the DAS Conference from 29 PDHs to 37 PDHs with 3 PDHs in ethics for a total of 40 PDHs.

Mr. Szymanski asked Mr. Alan Kent if he could ask him a question. Mr. Kent said that would be fine. Mr. Szymanski asked him about the meeting that took place with DelDOT. He wants to find out if Mr. Cote' with DelDOT could get back to the Board regarding steps DelDOT has taken as a result of the meeting. Mr. Szymanski is requesting a response for the September meeting. Mr. Kent said he would talk to Mr. Cote' regarding the request.

Mr. Schranck spoke to the Board about a survey being done in the Slaughter Beach area indicating roadway vacation. Mr. Schranck stated that a recorded plat showed a road in Slaughter Beach being vacated but that was not the case. Mr. Schranck stated that the surveyor should contact DelDOT when a possible vacation of roadway is involved.

Mr. Szymanski would like Ms. Wagner to see if she can setup a meeting with Mr. Collins, Mr. Nickerson, and Mr. Akin to discuss the complaint process.

#### Executive Discussion

The Board entered into executive session pursuant to 29 Del. C. §10004(b)(4) to discuss the matter of Donald Elrod, et. al. v. the Delaware Board of Professional Land Surveyors, a Complaint for Declaratory Judgment filed in Superior Court.

Ms. Chvostal made a motion, seconded by Mr. McBride, to end the Executive session at 11:18 a.m. The motion was unanimously approved.

#### **PUBLIC COMMENT**

There was no public comment.

#### **NEXT MEETING**

The next scheduled meeting of the board is September 15, 2011 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### **ADJOURNMENT**

There being no further business before the Board, Ms. Chvostal made a motion, seconded by Mr. McBride, to adjourn the meeting at 11:20 a.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner  
Administrative Specialist III